

OCT 29

MEMORANDUM

TO: Heads of Executive Agencies

FROM: Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

SUBJECT: Technical Assistance Guides (Third Set)

On May 15 1986, I sent you the second set of Technical Assistance Guides (TAG's) to assist your agency in implementation of section 504 of the Rehabilitation Act of 1973, as amended, in federally conducted programs. Enclosed is the third set of TAG's for your agency's use. These TAG's provide information on the President's Committee on Employment of the Handicapped, on devices for people who are hard-of-hearing, and on the overall coverage of section 504 and the Architectural Barriers Act.

If your staff has any technical questions concerning the enclosed TAG's or any suggestions for suitable topics for guidance, please contact Bert Keys, Jr., of the Coordination Review Section, at 724-2218. All routine business concerning federally conducted programs should, however, be directed to agency coordinators and attorneys within the Coordination Review Section who are specifically assigned to work with your agency.

Enclosures

The President's Committee on Employment of the Handicapped (PCEH) and Related Organizations

pose: The purpose of this Technical Assistance Guide (TAG) is to provide recipients of Federal financial assistance and Federal agency information on an important resource on employment of handicapped persons and other issues related to the implementation of section 504 of the Rehabilitation Act of 1973.

ckground: The President's Committee on Employment of the Handicapped, one of the oldest Presidential committees, was established by President Truman in 1947. The Committee seeks to promote a positive attitude of opinion in America leading to full acceptance of physically and mentally handicapped people in the world of work; to strive to eliminate environmental and attitudinal barriers impeding their opportunities and their progress; and to mobilize resources, public and private, to achieve these ends. For administrative purposes, the President's Committee is housed within the Department of Labor.

Every State has a Governor's Committee on the Employment of the Handicapped or a similar organization with comparable goals. These committees work closely with the President's Committee. The state organizations enable PCEH to reach the grass roots. In many cases there are also committees at the city, county and town level. State committees are funded mostly through State appropriations with some funding coming from local vocational rehabilitation agencies.

State level committee members, like PCEH members, are drawn from government, business, industry, labor, education, the medical field and the professions.

PCEH and State Organization Activities

PCEH distributes publications, posters, and other information of charge to the Governor's Committees and other interested organizations. State organizations in turn, disseminate copies to local committees and organizations. PCEH maintains a library

Denver, Colorado. This conference brings together nearly 1000 people from around the world and focuses on the affairs of handicapped people. PCEH also provides a computerized information system to help employees successfully recruit and employ handicapped persons. The Job Accommodation Network or JAN is a service and can provide specific information on reasonable accommodations, technological devices and other strategies based on case experiences.

Contacts at the Presidents Committee:

- General

The President's Committee on Employment of the Handicapped
U.S. Department of Labor
Vanguard Building
1111-20th Street, N.W.
Washington, D.C. 20210
(202) 653-5044 (Voice & TDD)

- Publications: (202) 653-5157

- Library, Program Division: (202) 653-5079

- Director, State Relations: (202) 653-5083

- Job Accommodation Network (JAN): 1-800-JAN-PC
(outside West Virginia)

1-800-293-7186

(inside West Virginia)

Governor's Committees

Mr. Gene Kerlin

Executive Secretary

Governor's Committee On Employment of the Handicapped
Division of Rehabilitation and Crippled Children

2129 East South Boulevard

P.O. Box 11586

Montgomery, AL 36111-0586

(205) 281-8780

2600 Denali Street, Suite 701
Anchorage, Alaska 99503
(907) 279-0438

Ms. Pat Williams
Executive Director
Governor's Committee On Employment of the Handicapped
P.O. Box 6123
Site 086Z-2
Phoenix, Arizona 85005
(602) 229-2736

Miss Carol Cato
Executive Director
Governor's Commission on People with Disabilities
1401 Brookwood Drive
P.O. Box 3781
Little Rock, Arkansas 72203
(501) 371-2686 (Voice or TTY)

Mrs. Catherine Baird
Executive Director
Governor's Committee On Employment of the Handicapped
8100 Capitol Mall, Room 4036
Sacramento, CA 95814
(916) 323-2545 (Voice or TDD)

John Ozzello
Executive Director
Colorado Coalition For Persons With Disabilities
1249 East Colfax, Room 219
Denver, Colorado 80218
(303) 863-0113 (Voice)
(303) 861-2735 (TTY)

Mrs. Adele DeFrancesco
Executive Secretary
Governor's Committee On Employment of the Handicapped
Department of Labor Building
Wethersfield, CT 06109
(203) 566-2424

Mr. Robert Riale
Executive Director
Governor's Committee On Employment of the Handicapped
321 East 11th Street

Washington, D.C. 20001
(202) 727-0924

Ms. Carol Ann Breyer
Executive Director
Alliance For Disabled Citizens
2590 Executive Center Circle East
The Berkley Building
Tallahassee, FL 32301
(904) 487-2222

Mr. A.R. Benson
Executive Secretary
Governor's Committee On Employment of the Handicapped
878 Peachtree Street, N.E.
7th Floor, Room 708
Atlanta, GA 30309
(404) 894-6742

Mrs. Francine Lee
Executive Secretary
Commission On The Handicapped
335 Merchant Street
Honolulu, HI 96813
(808) 548-7606

Ms. Janet Wright
Executive Secretary
Governor's Committee On Employment of the Handicapped
317 Main
Boise, Idaho 83735
(208) 334-2658

Mr. Paul Galligos
Liaison to the President's Committee On Employment of the Handicapped
Department of Rehabilitation Service
623 East Adams Street
Springfield, IL 62705
(217) 782-8610

Executive Secretary (Position vacant)
State Commission For The Handicapped
P.O. Box 1964
1330 W. Michigan Street
Indianapolis, IN 46206

Grimes State Office Building
Des Moines, Iowa 50319
(515) 281-5969

Mr. Michael Lechner
Executive Secretary
Kansas Advisory Committee On Employment of the Handica
1430 S. Topeka Avenue
Topeka, Kansas 66612-1877
(913) 232-7828 (Voice/TTY)

Ms. Mary Louise Sandman
Executive Secretary
Kentucky Committee On Employment of the Handicapped
Land N Building
908 West Broadway
5th Floor, Room 508
Louisville, KY 40203
(502) 588-4073

Mrs. Patsy Barrett
Field Coordinator
Bureau of Handicapped Persons
P.O. Box 44371
1755 Florida Boulevard
Baton Rouge, LA 70804
(504) 342-2723

Mr. Ronald Hanson
Executive Secretary
Governor's Committee On Employment of the Handicapped
32 Winthrop Street
Augusta, Maine 04330
(207) 289-3484

Mrs. Faith S. Kirk
Executive Director
Governor's Committee On Employment of the Handicapped
200 W. Baltimore
7th Floor
Baltimore, MD 21202
(301) 659-2264

Ms. Kathy Rolfe
Division of Employment
Hurley Building

Lansing, Michigan 48909
(517) 373-8397

Mr. Richard Ramberg
Executive Director
Minnesota State Council For the Handicapped
Metro Square, Suite 208
7th and Robert Streets
Saint Paul, MN 55101
(612) 296-6785
Toll Free: 1-800-652-9747

Mrs. Janet G. Larsen
Executive Secretary
Governor's Office of Handicapped Services
802 North State Street
Suite 100
Jackson, Mississippi 39201
(601) 359-1000

Mr. Richard Powell
Executive Secretary
Governor's Committee On Employment of the Handicapped
1904 Missouri Blvd, Box 1668
Jefferson City, MO 65102
(314) 751-2600

Mr. Blair Ricks
Executive Secretary
Montana Governor's Committee On Employment of the Handicapped
Personnel Division
Mitchell Bldg., Room 130
Helena, Montana 59620
(406) 444-3871
(406) 444-3886

Mr. Bernie Childerston
Executive Secretary
Governor's Committee On Employment of the Handicapped
Box 94600
550 South 16th Street
Lincoln, NE 68509
(402) 475-8451

Carson City, Nevada 89710
(702) 855-5348

Mr. Michael Jenkins
Executive Director
Governor's Commission For The Handicapped
85 Manchester Street
Concord, NH 03301
(603) 271-2773

Mr. Robert W. Malcolm
Coordinator
Governor's Committee On The Disabled
Labor and Industry Bldg., Room 1005
Trenton, NJ 08626-0058
(609) 633-6978

Mrs. Judith K. Myers
Director
Governor's Committee On Concerns of the Handicapped
Bataan Memorial Bldg.
Room 171
Sante Fe, NM 87503
(505) 827-6465

Dr. Frances Berko
State Advocate
Office of the State Advocate For the Disabled
Empire State Plaza
Agency Bldg., # 1
Albany, NY 12223
(518) 473-4129

Ms. Lockhart Follin-Mace
Director
Governor's Advocacy Council For Persons With Disabilities
1318 Dale Street
Suite 100
Raleigh, North Carolina 27605
(919) 733-9250

(701) 224-2370

Ms. Elizabeth Aino
Executive Secretary
Ohio Governor's Council on Disabled Persons
4656 Heaton Road
Columbus, Ohio 43229
(614) 438-1392

Mr. Ernest Simpson
Executive Secretary
Office of Handicapped Concerns
4300 N. Lincoln Blvd.
Room 200
Oklahoma City, Oklahoma 73105
(405) 521-3756

Ms. Judy Brown
Executive Director
The Oregon State Commission For The Handicapped
3000 Market Plaza, Suite 266
Salem, Oregon 97301
(503) 378-4545

Mr. George Lowe
Executive Secretary
Pennsylvania Governor's Committee on Employment
of the Handicapped
Labor and Industry Bldg.
7th and Forster Streets
Room 1300
Harrisburg, PA 17120
(717) 787-5244

Mrs. Zayd Fernandez
Executive Secretary
Governor's Committee On Employment of the Handicapped
G.P.O. Box 2554
San Juan, Puerto Rico 00936
(809) 753-4290

Governor's Commission on Handicapped
275 Westminister Mall
Suite 217
Providence, RI 02903
(401) 277-3731

Mr. Joe Dusenbury
Executive Secretary
Governor's Committee On Employment of the Handicapped
S.C. Vocational Rehabilitation Department
P.O. Box 4945
3600 Forest Drive
Columbia, SC 29240
(803) 758-2562

South Dakota (No Committee)

Ms. Linda Bradford
Governor's Liaison For The Handicapped
Suite 1800
James K. Polk Building
Nashville, TN 37219
(615) 741-1676

Ms. Virginia Roberts
Executive Director
Governor's Committee For Disabled Persons
118 Riverside Drive
Austin, TX 78704
(512) 445-8276
(512) 445-8346 (TDD)

Dr. Gary Nakao
Executive Director
Governor's Committee On Employment of the Handicapped
150 West North Temple
P.O. Box 45500, Suite 234
Salt Lake City, UT 84145
(801) 533-6770

Vermont (No Committee)

Ms. Judy Marsteller
Outreach and Training Coordinator
Department For The Rights of the Disabled
James Monroe Building, 17th Floor

(809) 774-0930

Mr. Les Treece-Sinclair
Executive Secretary
Governor's Committee On Employment of the
Employment Security Bldg.
Olympia, WA 98504
(206) 753-1547

Mr. Earl Wolfe
Director
Division of Vocational Rehabilitation
State Capitol Bldg.
Charleston, West Virginia 25305
(304) 348-2400

Ms. Ellen Daly
Executive Director
Governor's Committee For People With Disabilities
1 West Wilson, Room 830
P.O. Box 7852
Madison, WI 53707
(608) 266-4378 or 266-9248

Mr. Chad Fossen
Executive Director
Governor's Committee On Employment of the
Hathaway Bldg., Room 321
Cheyenne, WY 82002
(307) 777-7191

e: Telephone Devices for People Who Are Hard-of-Hearing

pose: This Technical Assistance Guide (TAG) discusses technological devices that help people who are hard-of-hearing effectively use the telephone.

kground: The standard telephone in use today is designed for use by people with good hearing. Approximately 15 million persons in the United States experience some significant hearing loss that may affect their ability to use the telephone effectively. Several devices have been developed to assist hearing impaired persons to more effectively use the telephone. Because use of the telephone is an essential feature of American life today, more individuals and agencies should know about methods of providing access to it for persons who are hard-of-hearing.

ices to Assist People Who Are Hard-of-Hearing use the Telephone ectively

A. Hearing Aids

Many hearing aids function in two modes. In one mode, the hearing aid's receiver and amplifier pick up acoustic sound through a microphone. In this mode the hearing aid switch is set on M (for microphone) and the aid is used to listen to personal conversation and other environmental sounds. In the alternate mode, the hearing aid's amplifier and receiver pick up electromagnetic signals by an induction coil in the aid. This is also known as a "telecoil", "T-coil" or "telephone pick-up". In the telecoil mode, the hearing aid switch is set on T (for telephone) and feedback and amplified background noises are eliminated. In order for the hearing aid telecoil to work with a telephone, the telephone must emit or leak a sufficiently strong electromagnetic field. About three-fourths of telephones manufactured in the United States work with hearing aid telephone picks-up; the remaining fourth are not usable by people who use hearing aids. The unusable telephones make many people who require hearing aids, who would otherwise be able to use the telephone, "phone deaf." Unfortunately many newly manufactured electronic telephones are not usable with the T-coil unless a

by the hearing aid. The telephone adapter is made for hearing aid wearers whose aids have a telephone elastic strap easily attaches the telephone adapter phone receiver and it is powered by batteries. Price \$16-18.

C. Amplification Devices

1. Handset Amplifiers

Pay telephones and regular desk top telephones equipped with a handset that contains a volume control. This feature can amplify the voice signal coming from the telephone by as much as 30%. Price range \$20-30.

2. Portable Amplifiers

Any telephone can be equipped with a portable amplification device that straps onto the ear piece of the handset. Price range \$12-18.

3. Permanent Amplifiers

Telephones can also be permanently equipped with top amplifiers and speakers to assist hearing impaired persons who use the phone. Price range \$60-70.

Resources:

A list of resources has been compiled for the agencies' use and can be obtained by contacting:

The Coordination and Review Section
Civil Rights Division
U.S. Department of Justice
320 First Street, N.W., Room 854-A
Washington, D.C. 20534
(202) 724-2222 (Voice)
(202) 724-7678 (TDD)

Coverage of the Architectural Barriers Act of 1968, as amended (Barriers Act) and section 504 of the Rehabilitation Act of 1973, amended (section 504).

ose: This Technical Assistance Guide explains the requirements of the Barriers Act and section 504 as they affect the accessibility of buildings for physically handicapped individuals. This guide also provides information to assist recipients and Federal agencies to comply with the requirements of these statutes in light of the overlapping coverage.

nation:

Barriers Act Requirements for Building Accessibility

The Barriers Act requires buildings to be accessible to physically handicapped persons when they are:

built or altered after 1968 by the Federal government or on behalf of the Federal government.

leased after 1977 by the Federal government. (Buildings leased after 1977 prior to January 1977 are subject to the Barriers Act only if they were built specifically in accordance with Federal plans and specifications—see sections 4 and 5 of the Barriers Act, 42 U.S.C. § 4151 and 4155).

built or altered after 1968 by recipients of Federal grants for building or alteration when the authorizing legislation for such grants permits the Federal government to impose a design standard.

Barriers Act Design Standards and Standard-Setting Agencies

The Uniform Federal Accessibility Standards (UFAS) is the accessibility design standard employed by the four Federal standard-setting agencies designated under the Barriers Act (i.e., the General Services Administration, the Department of Housing and Urban Development, the Department of Defense, and the United States Postal Service). However, from 1968 until the adoption of UFAS, these agencies adopted several different accessibility standards, which remain the standards for those buildings built or altered while those standards were effective. (Attachment A, Architectural Barriers Act Design Standards, contains a list of the design standards used by these four agencies before the adoption of UFAS.)

ducted programs and activities. One aspect of this protection involves accessibility of buildings. Section 504 applies to every building:

- a) used by recipients in which a program or activity receiving Federal financial assistance is conducted.
- b) constructed with Federal financial assistance.
- c) used by the Federal government to conduct a program or activity.

Because there are important practical differences between making new buildings accessible and existing buildings accessible, section 504 contains different accessibility requirements for existing buildings and for newly constructed or altered buildings:

a) Existing buildings. Programs and activities of recipients and Federal agencies that are housed in existing buildings must be accessible. This requirement does not necessarily mean that physical changes must be made to existing buildings, nor does it mean that they must conform to an architectural accessibility design standard. The accessibility requirement for existing buildings is one of "program accessibility", i.e., each program or activity covered by section 504 will be operated so that, when viewed in its entirety, it is readily accessible to and usable by handicapped persons. Although program accessibility can be achieved by physical changes to existing buildings, it also can be achieved by other methods including the acquisition or redesign of equipment, the reassignment of services to accessible buildings, the assignment of aides to beneficiaries, and the delivery of services at alternate accessible sites.

b) Newly constructed or altered buildings.

Section 504 requires that newly constructed or altered buildings used by a recipient or by a Federal agency to conduct a program or activity must comply with an accessibility design standard. (Attachment B, Section 504 New Construction Design Standards for Federally Assisted Programs, contains an agency-by-agency list of the design standards applicable to new construction by recipients of Federal funds.)

Mapping Coverage of the Barriers Act and Section 504 and Its Consequence

New construction or alteration.

With respect to newly constructed or altered buildings, the Barriers Act and section 504 requirements are compatible. Both statutes require newly constructed or altered buildings to comply with an accessibility design standard.

and alterations should meet section 504 standards for new construction and alterations.

Existing buildings.

- a) Buildings that satisfy the section 504 program accessibility requirements applicable to existing buildings may not satisfy Barriers Act requirements. An awareness on the part of recipients and Federal agencies of the difference between section 504 and Barriers Act requirements and their overlapping coverage will make for more effective and less costly plans to meet the requirements of both statutes.
- b) Consider the following example:
 - (i) A recipient educational institution administers federally assisted programs in all four of its buildings, which therefore are covered by section 504. Because the buildings were constructed before 1977, effective date of the Department of Education's section 504 regulations, they are considered to be existing buildings for section 504 purposes and therefore must meet section 504's program accessibility standards. Three buildings were built before 1968 and are not covered by the Barriers Act. The fourth building is covered by the Barriers Act but does not comply with the applicable accessibility design standard.
 - (ii) The recipient institution decides to meet section 504's program accessibility requirements by modifying two of its buildings and scheduling all federally assisted programs in those two buildings. However, the building covered by the Barriers Act is not one of the two buildings modified, or if it is not modified according to the applicable accessibility design standard, the recipient institution will have expended time and resources to comply with section 504, but will remain in violation of the Barriers Act. The recipient institution, some later date, still must make structural changes to the building covered by the Barriers Act. If the changes required by the Barriers Act are made as part of the plan to comply with section 504, the need to make changes to other non-Barriers Act buildings might be eliminated and the requirements of both statutes could be satisfied in a less costly manner.
 - (iii) A similar situation also can occur with respect to a Federal agency's buildings that are viewed as existing buildings for section 504 purposes and that also are covered by the Barriers Act.

Recommended procedure

Recipients and Federal agencies need to consider carefully the possible implications of the Barriers Act.

- o. Recipients should contact the Federal agency or agencies providing finance for information regarding compliance with the Barriers Act and On particularly difficult issues, the funding agency and the recipient consult with the Architectural and Transportation Barriers Compliance Board (ATBCB), which is responsible for enforcing the Barriers Act, and the Civil Rights Division of the Department of Justice, which is responsible for the enforcement of section 504.
- o. Federal agencies should consult with the agency responsible for the question. On particularly difficult issues, both agencies should consult with the Architectural and Transportation Barriers Compliance Board (ATBCB) or the Civil Rights Division of the Department of Justice on Barriers Act section 504 issues, respectively.

ources:

A list of resources has been completed for the agency's convenience and can be obtained by contacting:

Coordination and Review Section
Civil Rights Division
Department of Justice
1st Street, N.W., Room 854A
Washington, D.C. 20534

2222 (VOICE)
7678 (TDD)

2/68 – 10/23/69	No standard applicable
2/69 – 10/3/84	ANSI A117.1 1961 (R1971), and see 24 CFR Part Standards for Design, Construction and Alteration of Publicly Owned Residential Structures.
4/84 – present	24 CFR Part 40, Accessibility Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures, 49 FR 31620 (August 7, 1984), adopting Uniform Federal Accessibility Standards (UFAS), 31527 (Aug. 7, 1984).

United States Postal Service facilities

2/68 – 9/1/69	No standard applicable
6/69 – 1/8/71	ANSI A117.1 1961 (R1971), 41 CFR § 101-19.6, effective September 2, 1969, until January 8, 1971, when facilities were exempted from the Act (Pub. L. 91-375, USC § 410(a)).
7/71 – 10/17/76	Postal facilities were exempted until October 18, 1976 (Pub. L. 94-541, Title II, § 203, 39 USC § 410(b)(8)).
8/76 – 6/27/77	ANSI A117.1 1961 (R1971)
7/77 – 11/79	USPS Interim Standard
9/79 – 11/14/84	USPS Standards for Facility Accessibility by the Physically Handicapped, Postal Contracting Manual, Publication 41, § 18-518.4; 39 CFR § 601.100, as amended by Handbook RE-4, November 1979.
5/84 – 4/18/85	USPS Interim Standards for Facility Accessibility by the Physically Handicapped (adopting UFAS).
4/85 – present	USPS Standards for Facility Accessibility by the Physically Handicapped

Department of Defense facilities

– 9/69	No standard applicable
– 9/30/72	DOD 4270.1, "Construction Criteria," dated 7/11/72.

78 – 9/8/80

DOD 4270.1-M, "Construction Criteria," dated 6/1

80 – 12/14/83

DOD 4270.1-M, "Construction Criteria," dated 9/8

5/83 – 5/7/85

DOD 4270.1-M, "Construction Criteria," dated 12/

85 – present

DOD 4270.1-M, "Construction Criteria," dated 5/8
(adopting UFAS).

other facilities

2/68 – 9/2/69

No standard applicable.

69 – 10/13/80

ANSI A117.1 1961 (R1971), and see 41 CFR § 101

4/80 – 7/30/84

GSA accessibility standard, effective 10/14/80. In addition to referring to the appropriate standard, also see 41 CFR § 101-17.7 (for period 9/2/60 – 7/1/74 or 41 CFR § 101-17.7 (for period 7/1/74 – 7/30/84).

1/84 – present

41 CFR § 101-19.6, Accommodations for the physically handicapped, 49 FR 31625 (August 7, 1984), adopted by UFAS.

Agency	Effective Date	Architectural Design Standard
N	May 30, 1979	ANSI A117.1-1961 (R 1977)
CA	Oct. 6, 1980	ANSI A117.1-1961 (R 1977)
	June 11, 1982	ANSI A117.1-1980
orce	Sept. 15, 1982	Shall meet most current standards prescribed by GSA under Architectural Barriers Act
	June 1, 1982	DOD Standards
on	May 9, 1980	ANSI A117.1-1961 (R 1977)
	March 19, 1980	ANSI A117.1-1961 (R 1977)
	Jan. 12, 1984	ANSI A117.1 (1980)
	June 8, 1982	"GSA Accessibility Standards" PBS (PCD): DG6, Oct. 14, 1982
	May 4, 1977	ANSI A117.1-1961 (R 1977)
	(Has no Final Regulation Implementing Section 504)	
	July 7, 1982	Minimum Guidelines and Requirements for Accessible Design by ATBCB
	June 30, 1980	ANSI A117.1-1961 (R 1977)
	Nov. 6, 1980	GSA Standards under Architectural Barriers Act 41 CFR § 101-19.6.
	Sept. 10, 1979	ANSI A117.1-1980
	May 25, 1979	ANSI A117.1-1961 (R 1977)
	May 25, 1979	ANSI A117.1-1961 (R 1977)
	March 6, 1980	ANSI A117.1-1961 (R 1977)
	March 1, 1982	ANSI A117.1-1961 (R 1977)

	April 4, 1973 amended April 6, 1983	ANSI A117.1-1961 [as amended at 45 FR Dec. 12, 1980]
State	Oct. 21, 1980	ANSI A117.1-1961
TVA	April 4, 1980	ANSI A117.1-1961 ards for historic pro by the Department
DOT	May 31, 1979	ANSI A117.1-1961
Treasury	Oct. 17, 1983	ANSI A117.1-1961
VA	Sept. 24, 1980	ANSI A117.1-1961

